

Daniel E. Boone  
J. Dane Perry



**DANIEL E. BOONE, P.C.**  
**AND ASSOCIATES**  
*Attorneys at Law*  
**330 West Tennessee Street**  
**Florence, Alabama 35630**  
September 28, 2007

Telephone (256) 760-1002  
Fax (256) 760-1633

U. S. Patent & Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: Notice of Abandonment  
Date of Notice: July 7, 2007  
Application No.: 10/711,048  
Applicant: Ricks, Jim  
Art Unit: 3754  
Examiner: Melvin A. Cartagena

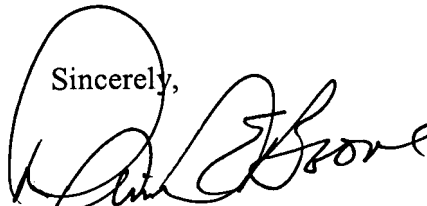
Dear Sir/Madam:

I am writing on behalf of the inventor, Mr. Jim Ricks, concerning the attached notice. The notice indicates Mr. Ricks' application for a patent is abandoned because Mr. Ricks did not respond to a letter that was mailed to him on January 9, 2007. The reason there was no reply to the letter of January 9, 2007 is because Mr. Ricks never received that correspondence.

The invention which was submitted by Mr. Ricks for patent was, and still is, very important to him. If he had received the correspondence from the Patent Office, he would have promptly responded so that his application could go forward. Mr. Ricks has invested a lot of time and money in his invention and is devastated by this turn of events.

Is there a procedure for reinstating applications that have been deemed abandoned through error? Mr. Ricks has unsuccessfully attempted a number of telephone calls in hopes of resolving this problem. I would appreciate any assistance you can provide to reinstate Mr. Ricks' application for a patent, application number 10/711,048.

Sincerely,



Daniel E. Boone

DEB/rdb  
Enclosure



# Notice of Abandonment

Application No.

10/711,048

Examiner

Melvin A. Cartagena

Applicant(s)

RICKS, JIM

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 January 2007.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☒ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

7/20/07

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.